

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0089

**Z.A.P. DATE:** June 3, 2008

June 17, 2008

July 1, 2008

**ADDRESS:** 135 West Slaughter Lane

**OWNER AND APPLICANT:** Lester Euers

**AGENT:** The Brown Group  
(Martin Brown)

**ZONING FROM:** RR; SF-2

**TO:** GR

**AREA:** 1.510 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay: 1) limits development of the property to less than 2,000 vehicle trips per day; and prohibits the following uses: 2) automotive rentals; automotive repair services; automotive sales; bail bond services; building maintenance services; commercial off-street parking; communications services; drop-off recycling collection facility; exterminating services; funeral services; indoor entertainment; indoor sports and recreation; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; research services; and, theater.

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Lane in accordance with the Transportation Criteria Manual.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

June 3, 2008: *MEETING CANCELLED DUE TO AGENDA POSTING ERROR*

June 17, 2008: *ITEM PULLED FROM THE AGENDA DUE TO NOTIFICATION ERROR*

July 1, 2008: *APPROVED GR-CO DISTRICT ZONING WITH CONDITIONS, AS STAFF RECOMMENDED, BY CONSENT*

*[T. RABAGO; J. SHIEH – 2<sup>ND</sup>] (6-0) J. MARTINEZ, K. JACKSON – ABSENT; 1 VACANCY ON THIS COMMISSION.*

### **ISSUES:**

The Applicant is willing to dedicate right-of-way on Cullen Lane and will be entering into a cross-access agreement with representatives of the adjacent shopping center to the south.

Based on discussions with the Park Ridge Owners Association and action at First Reading for the previous (expired) case on this property, the Applicant is willing to prohibit the following

uses: automotive rentals; automotive repair services; automotive sales; bail bond services; building maintenance services; commercial off-street parking; communications services; drop-off recycling collection facility; exterminating services; funeral services; indoor entertainment; indoor sports and recreation; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; research services; and, theater. These uses have been incorporated into the Staff recommendation.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a portion of a platted lot out of the Tom F. Dunnahoo subdivision, is situated at the southeast corner of Slaughter Lane and Cullen Road, and is zoned rural residence and single family residence (RR; SF-2) district. The remainder of the land along Slaughter Lane between Cullen Road and the IH-35 frontage road is developed with a shopping center anchored by a discount superstore, retail shopping space, restaurants, a drive-in bank, and service station (zoned GR-CO). The property to the west of the Cullen / Slaughter intersection consists of an existing fast food restaurant, and a shopping center that includes retail, restaurant and financial service uses (zoned SF-2; GR-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the lot to the community commercial (GR) district for a proposed retail and office development. Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of West Slaughter Lane, a major arterial roadway and Cullen Road, a collector street, both of which are suitable for commercial uses and have good transportation access, and 2) properties on both sides of Slaughter Lane, east of Cullen Road and along the IH-35 frontage road are developed with commercial uses and carry CS or GR zoning. The dedication requirement for right-of-way along Cullen Lane will enable intersection and turning lane improvements to occur.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR; SF-2	Dental office; Pet services
<i>North</i>	I-RR; GR-CO; CS-1-CO	Undeveloped; Retail; Carpet sales; Auto-tinting; Service stations with convenience stores
<i>South</i>	GR-CO	Shopping center anchored by a discount superstore
<i>East</i>	N/A	IH-35 frontage roads and main lanes
<i>West</i>	SF-2; GR-CO; RR; LO-CO	Fast food restaurant; Under construction for a shopping center, drive-in bank and fast food restaurants); Agricultural

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 242 – Slaughter Lane Neighborhood Assn.  
 262 – Beaconridge Neighborhood Association  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 499 – Park Ridge Owners Association                      511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowner's Association  
 742 – Austin Independent School District n  
 786 – Home Builders Association of Greater Austin  
 948 – South by Southeast Neighborhood Association  
 1037 – Homeless Neighborhood Association

**SCHOOLS:**

Williams Elementary School

Paredes Middle School

Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0171 (Grove at Southpark Meadows)	I-RR; LO-CO; CS-CO to GR-MU-CO; SF-6; SF-6-CO; GR-CO	Approved GR-MU-CO for Tracts 1 & 2; SF-6 for Tract 3; SF-6-CO for Tract 4; GR-CO for Tract 5	Scheduled for CC meeting of 4-20-06.
C14-05-0002 (Quick Tract)	RR to CS	Approved GR-CO with CO for list of prohibited and conditional uses. Restrictive Covenant for the Traffic Impact Analysis.	Approved GR-CO as recommended by ZAP. Restrictive Covenant is for the TIA (3-10-05).
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR-CO	To Grant GR-CO with conditions of the TIA	Approved GR-CO district zoning with a Restrictive Covenant for the TIA, as recommended by the ZAP (10-21-04).
C14-04-0203 (Twin Liquors at Slaughter)	GR-CO to CS-1	To Grant CS-1	Approved CS-1 (2-10-05).
C14-04-0037 (Slaughter @ Cullen Commercial)	RR to GR	To Grant GR-CO with a list of prohibited uses and conditions of the TIA.	Approved GR-CO with CO for a list of prohibited and conditional uses; the

			Restrictive Covenant is for the TIA (8-26-04).
C14-03-0186 (Tobin Tract)	SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for list of prohibited uses, and exterior lighting requirements; fiscal surety (3-4-04)
C14-03-0066 (IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials (10-30-03).
C14-96-0015	I-RR to CS-1; GR	To Grant CS-1 for Tract 1; GR-CO for Tract 2	Approved CS-1; GR-CO with CO for 2,000 trip limit (4-25-96).
C14-00-2114	I-RR to CS	To Grant CS-CO	Approved CS-CO with prohibited uses: campground; kennels; pawn shops; vehicle storage; adult-oriented businesses; a sign may not be visible from IH-35 (10-23-00).

C14-00-2089	I-RR to CS	To Grant CS-CO	Approved CS-CO with prohibited uses: campground; kennels; pawn shops; vehicle storage (10-12-00).
C14-96-0016	I-RR to CS	To Grant CS-CO	Approved CS-CO with prohibited uses: campground; kennels; pawn shops; vehicle storage and 2,000 trips (4-25-96).

### **RELATED CASES:**

Two previous rezoning requests for GR-CO zoning on the subject property were approved by Council in January 2005 and in July 2006 on First Reading with an additional Conditional Overlay for a list of prohibited uses as discussed between the Applicant and the Park Ridge Owners Association and the requirement for right-of-way dedication along Cullen Lane (C14-04-0167 and C14-06-0059). Both cases expired in January 2006 and in July 2007 because no action occurred within one year of First Reading, as set forth in Chapter 25-2-246 (B) of the Land Development Code.

In May 1995 the rezoning area was approved for two 1-story office buildings, totaling 10,300 square feet (SP-94-0493D). The Development Permit ("D") site plan (one which does not include a land use element, in this case because at the time it was located in the Extra-Territorial Jurisdiction) for the office uses is provided as Exhibit B.

The rezoning area represents the north 62 feet of Lot 9 of Tom F. Dunnahoo subdivision.

The property was annexed into the Full-Purpose Jurisdiction on December 31, 1997.

### **ABUTTING STREETS:**

Name	Row	Pavement	Classification	Bicycle Plan	Capital Metro	Sidewalks
Slaughter Lane	140 feet	Varies	Major Arterial	Yes	No	Yes
Cullen Lane	Varies	Varies	Commercial Collector	Yes	No	No

- Slaughter Lane is classified in the Bicycle Plan as a Priority Low Usability bike route while Cullen Lane is classified as a High Usability route.

**COUNCIL DATE:** June 18, 2008

**ACTION:** Item pulled from the agenda due to notification error.

August 7, 2008

Approved a Postponement request by the

Applicant to October 23, 2008 (7-0).

October 23, 2008

**ORDINANCE READINGS:** 1<sup>st</sup>

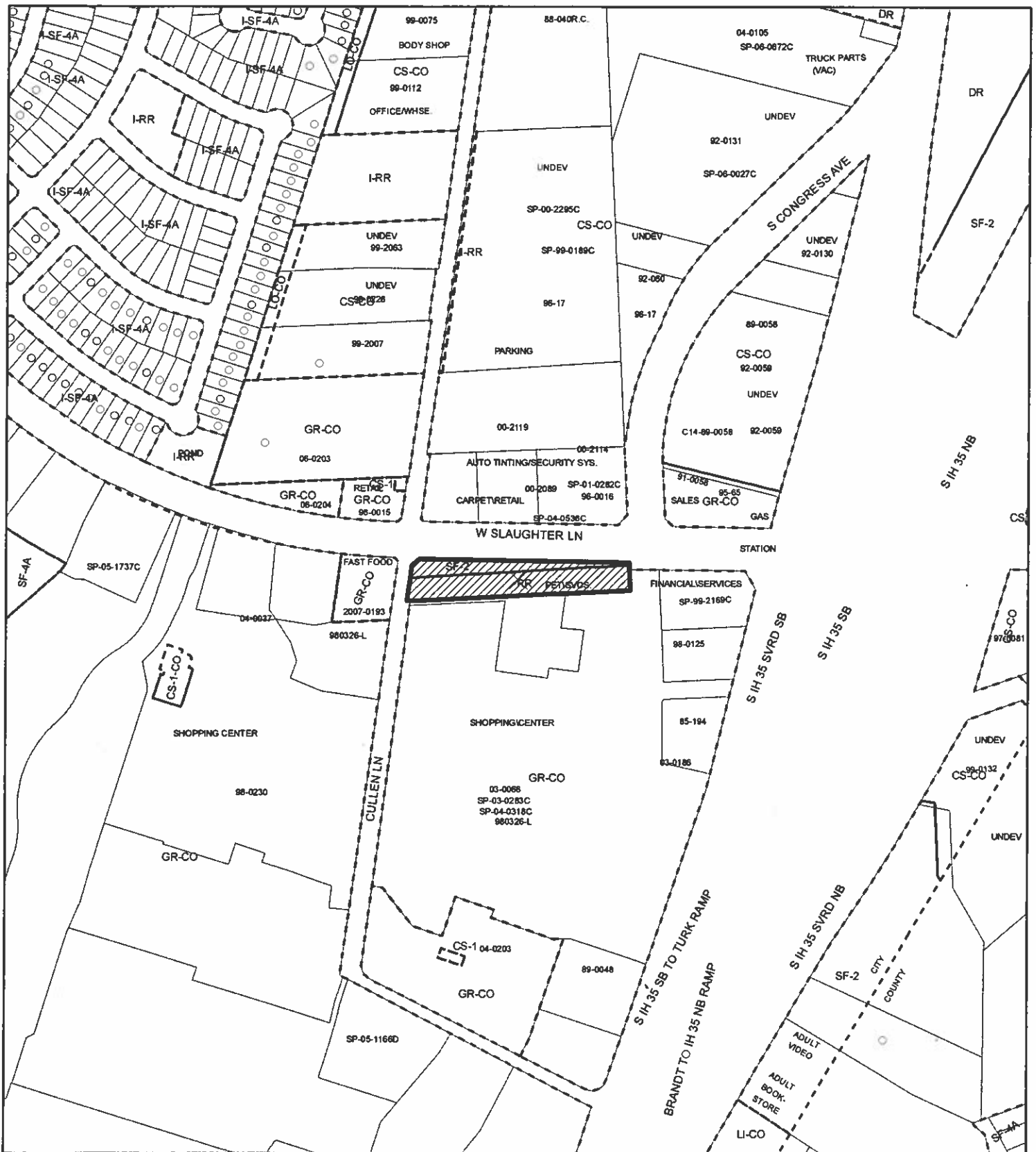
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us




**PHONE:** 974-7719



# ZONING

EXHIBIT A



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0089  
 ADDRESS: 135 W SLAUGHTER LANE  
 SUBJECT AREA: 1.51 ACRES  
 GRID: G13  
 MANAGER: W. RHOADES

OPERATOR: S. MECKS

1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.  
 No warranty is made by the City of Austin regarding specific accuracy or completeness.











**SUMMARY STAFF RECOMMENDATION:**

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If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Lane in accordance with the Transportation Criteria Manual.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to West Slaughter Lane, an improved, 6-lane major arterial roadway and Cullen Lane, a collector street.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of West Slaughter Lane, a major arterial roadway and Cullen Road, a collector street, both of which are suitable for commercial uses and have good transportation access, and 2) properties on both sides of Slaughter Lane, east of Cullen Road and along the IH-35 frontage road are developed with commercial uses and carry CS or GR zoning. The dedication requirement for right-of-way along Cullen Lane will enable intersection and turning lane improvements to occur.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is developed with a dental office and pet services use. There appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive zoning regulations. The existing amount of impervious cover shown on the approved "D" Site Plan is 29.98%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion Creek Watershed and the Slaughter Creek Watershed of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be

limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Compatibility Standards**

This tract is already developed with one of two buildings phased in SP-94-0495D (approximately 25,829 sq. ft. at 29.98% impervious coverage). Site plans will be required for any new development.

**FYI:** This site is located in the Desired Development Zone. Expiration for any site plan will be three years from the date of approval however; under Project Duration [25-1-535(C)(3)] the site plan can only be extended to a maximum of five years from initial submittal date. No other extensions will be allowed under Project Duration for projects in the DDZ. For questions concerning Project Duration please contact Susan Scallon at 974-2659.

This site will be subject to commercial design standards; Cullen Lane is classified as a Suburban Roadway and Slaughter Lane is classified as a Future Core Transit Corridor.

Demonstrate compliance with building placement and sidewalk requirements of Section 2.2.4.

If any vertical improvements are planned for the Right-of-Way, such as trees, furniture, or irrigation, a license agreement is required. Please contact Andy Halm with Watershed Protection and Development Review Dept. at 974-7185. Please begin this process as soon as possible, as it can take some time.

Compliance with Building Design Standards, Article 3 of Subchapter E, is required, and is to be reviewed for compliance during building code review.

Building entrances to be at intervals of no more than 75 feet along the elevation facing the principal street. If not, areas between entrances (or from building edge to entrance) shall use shaded sidewalks (§ 2.2.6.B.2.; p. 41)



At least one customer entrance must face the principal street and connect directly to the sidewalk along the principal street, unless you meet the exception requirements of Section 2.2.6.B.1

Demonstrate compliance with Subchapter E, Section 2.3.2.B.2: Additional Measures to Improve Connectivity; showing which options from the table are being utilized in this development.

Provide a description and cut sheets of all lighting fixtures not affixed to buildings (i. e. parking lot lighting) demonstrating compliance with Section 2.5.2.A.; p. 49.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-2008-0089

**Contact:** Wendy Rhoades, (512) 974-7719

**Public Hearing:**

June 3, 2008 Zoning and Platting Commission

June 18, 2008 City Council

☒ I am in favor  
☐ I object

**STEVE SWANSON**

Your Name (please print) **ROBERT SWANSON FAMILY PARTNERSHIP**

Your address(es) affected by this application

**6-2-08**

Signature

Date

Comments:

**161 W. SLAUGHTER, UNIT M, AUSTIN**

**161 W. SLAUGHTER, UNIT N, AUSTIN**

**301 W. SLAUGHTER, UNIT A, AUSTIN**

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

# The Brown Group

Architectural and Real Estate Development Services

1250 Capital of TX Hwy South Bldg. 3 - Suite 400

Office (512) 329-2170 Fax (512) 329-2588

78746

July 12, 2008

City of Austin  
Neighborhood Planning and Zoning  
505 Barton Springs Road  
Austin, TX 78701

Attn: Ms. Wendy Rhoades

Case Number C14-2008-0089  
Euers Tract  
135 W. Slaughter Lane

Dear Wendy:

We are currently in the process of finalizing internal cross access agreements on the above referenced zoning case. At this time we are requesting to be removed from the August 2nd City Council Date and moved to the next available council meeting in October. This will allow us to finalize all internal agreements with adjacent property Owners and proceed on with Council approval.

Thank you,



Martin T. Brown  
The Brown Group

PTM

23rd